CF0000057643

(2)

VI-188/(Jail)
P.R.—5,000-9-81

1126 93 DB

APPEAL OF PRISONER

ST 127/92

No. 337 Name अर्जुन

Father's name भजन सिंह R/o Kharaova Tah. Dabra Distt. Gwalior

Residence ग्रा० बूदर जिला ग्वालियर उम्र 35 वर्ष Age

Sentenced to आजीवन कारावास on 30.6.93

Under section 302 I.P.C by श्रीमान आपर सत्र न्यायाधीश। भिण्ड

it is explained to the prisoner that if he states or wishes to be represented by a legal practitioner the Appelate Court will not proceed with the base for seven days unless the legal practitioner appears. If the legal practitioner does not appear with in seven days he may not be heard at all If the prisoner states that he does not wish to be represented by legal practitioner the court may proceed at once with the case and will not be obliged to give a hearing to any legal practitioner who should appear.

1 Date of Application for copy of Judgement 30/6/93

2 Date of which copy received 30/6/93

3 Date on which Appeal sent 30/7/93

4 Whether the prisoner wishes to be represented or not – Yes/No

Pradesh JABALPUR 24-9-93 53

No. ~~47 921~~ Name अर्जुन

Continued in Subjail Bhind C Seen Superintendent Etc

No. 294 dated 30.7.93 198

Forwarded to the CHIEF JUDICIAL MAGISTRATE अपर सत्र न्यायाधीश

to gather with a copy of judgement or order passed in the case for favour of transmission to the proper Appilliate Court.

Superintendent Central / District / Sub-Jail

30/7/93

Date of receipt in C. J. M.'S Office 3.8.93

Date of receipt of record to accompany 9.9.93

Memo of Appeal of the Appeliate Court. भाग: उच्च न्यायालय ग्वालियर खण्डपीठ

No. Dated 198

Forwarded to the ~~उच्च न्यायालय ग्वालियर~~

C.J.Magistrate

अपर सत्र न्यायाधीश
अनुभा, अम्बिकापुर म.प्र.

Date of receipt in Appliate Court

(P.T.O.)

(11)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....G.A.1126/93.... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Division Bench: -

Hon'ble Mr. L.C. Bhadoo and
Hon'ble Mr. Dhirendra Mishra, JJ.

8-2-2006

Mr. Ratindra Mishra, counsel for the appellant.

Mr. U.N.S. Deo, Additional Public Prosecutor with Mr. M.P.S. Bhatia, Panel Lawyer for the State/respondent.

Oral judgment dictated on Dais.

Per L.C. Bhadoo, J: -

By this appeal under Section 374 (2) of the Cr.P.C. the accused/ appellant has questioned the legality and correctness of the judgment of conviction and order of sentence dated 30th June, 1993, passed by the Additional Sessions Judge, Manendragarh, in Sessions Trial No.127/92, whereby learned Additional Sessions Judge after holding the accused/ appellant guilty for commission of offence under Section 302 of the I.P.C. sentenced him to undergo imprisonment for life.

Case of the prosecution, in brief, is that on 3-3-1992 at about 4 p.m. the accused was attacking his uncle Chain Singh with club, at that time Ramcharan (PW-2) saw the incident from road as he was going to his in-law's house, on which he asked the accused not to assault Chain Singh and the accused stopped assaulting. Thereafter, the accused went to the house of Village Patel Satyanarayan Singh (PW-1) and informed that he has committed the murder of his uncle and the body is lying in the house. Satyanarayan Singh asked him to inform to the Sarpanch & Chowkidar. By that time, night was already set-in and in the morning, the accused again

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक G.A.126/93 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -21	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

went to Satyanarayan Singh on which he took Chowkidar & Sarpanch and went to the house of the accused where they saw that the body of Chain Singh was lying in a room. Report Ex.P-1 was made to Police Station: Khadgawan. Police Inspector Jayant Verma (PW-10) reached to the scene of occurrence prepared Panchanama (Ex.P-10) of the body and took into possession the club (weapon of offence) from the accused. The body of Chain Singh was sent for post-mortem examination where Dr. K.L. Banjare (PW-8) conducted post-mortem. He found that bones of left hand and thigh were broken, pelvis bone was fractured and on account of shock and excessive bleeding Chain Singh died. Post-mortem report is Ex.P-8.

After completion of investigation, charge sheet was filed in the Court of Judicial Magistrate, Manendragarh, who in turn committed the case to the Sessions Judge, Surguja, from where learned Additional Sessions Judge received the case on transfer for trial.

The prosecution examined eleven witnesses in order to establish charge against the accused/appellant. Statement of the accused/appellant was recorded under Section 313 of the Cr.P.C. in which he denied the prosecution evidence and explained that he has been falsely implicated in the crime and the deceased while grazing cattle in the field, fell down and received the injuries.

After hearing the arguments of Additional Public Prosecutor and counsel for the accused, learned Additional Sessions Judge convicted and sentenced the accused as mentioned in para 1 of this judgment.

[पीछे देखिये

XI-HC-22

(13)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक CG.A.1126/93 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

We have heard Mr. Ratindra Mishra, learned counsel for the appellant and Mr. U.N.S. Deo, learned Additional Public Prosecutor with Mr. M.P.S. Bhatia, learned Panel Lawyer for the State/respondent.

The homicidal death of Chain Singh is not in dispute.

As far as involvement of the accused/appellant in committing the crime in question is concerned, Ramcharan (PW-2) is the eyewitness who has stated that at the fateful time he was going to his in-law's place and from road he saw that the accused was attacking deceased Chain Singh with a club on which he intervened and asked the accused not to indulge in Marpit. The accused stopped beating. The above evidence is corroborated by the evidence of Satyanarayan Singh (PW-1) before whom the accused made extra judicial confession immediately after the incident, as he went to the house of Satyanarayan Singh and informed him that he has murdered his uncle and the body is lying in the house. As night was already set-in therefore, he came next day morning and saw the dead body thereafter, report Ex.P-1 was lodged. The above evidence of eyewitness and extra judicial confession further stand corroborated by the evidence of Dr. K.L. Banjare (PW-8) who has stated that he conducted post-mortem on the body of Chain Singh and found 11 injuries on his body. His bone of left hand & right hand as well as pelvis bone were found fractured and femoral artery was also found ruptured. The deceased died on account of excessive bleeding and shock.

Therefore, in view of the above, involvement of the accused/appellant in committing the murder of Chain Singh is established.

[पीछे देखिये

(14)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक G.A.1126/93 सन् ~~200~~

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 4 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Learned counsel for the appellant argued that offence against the appellant does not travel beyond Section 304 Part-II of the I.P.C. But, we are not satisfied with the argument advanced by learned counsel for the appellant for the reason that as many as eleven injuries were found on the body of the deceased and bone of hand & pelvis bone were found fractured. The manner in which the accused attacked the deceased makes it clear that the accused attacked the deceased with intention to cause his death.

In view of the foregoing discussion, we do not find any illegality or infirmity in the judgment of the trial Court. The appeal is devoid of merit, same is liable to be dismissed and it is accordingly, dismissed.

Sd/-
L.C.BHADOO
Judge

Sd/-
DHIRENDRA MISHRA
Judge

Soma

[पीछे देखिये